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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,683	06/27/2003	Lilkar Zugeil Molina	8797R	7701
27752	7590	06/07/2005	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

10/607,683

**Applicant(s)**

MOLINA ET AL.

**Examiner**

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/2/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Continued Prosecution Application***

1. The Request for Continued Examination (RCE) filed on 5/2/2005 under 37 CFR 1.114 based on parent Application No. 10/607,683 is acceptable and a RCE has been established. An action on the RCE follows.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by The Box of Tampons at the Museum of Menstruation and Women's Health from [HTTP://MUM.ORG/FREEDBOX.HTM](http://mum.org/freedbox.htm) (hereinafter Box of Tampons). Box of Tampons discloses a package with a word "Freedom" comprising a container including a layer forming an interior space having an interior surface and an exterior surface, a plurality of absorbent articles (tampons) forming a stack disposed within the interior space of the container with each of the absorbent articles having a thickness and being individually wrapped in a wrapper and each wrapper having a distinctive design and a first color and the exterior surface of the container including a distinctive color which is color coordinated with the first color of the distinctive design. The container further including a first window revealing at least a portion of the thickness of at least one of said absorbent articles and at least a portion of the distinctive design

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of the wrapper. The first color of the wrapper is a complimentary color or an analogous color of the distinctive color.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over The Box of

Tampons at the Museum of Menstruation and Women's Health from

[HTTP://MUM.ORG/FREEDBOX.HTM](http://MUM.ORG/FREEDBOX.HTM) (hereinafter Box of Tampons) in view of Kuske et al.

(6,318,555, hereinafter Kuske'555). Box of Tampons discloses the package with the word

"Freedom" as above having all the limitations of the claims except for the container comprises a second window. Kuske'555 shows a package (50) comprising a container having a first window (88) and at least a second window (98). It would have been obvious to one having ordinary skill in the art in view of Kuske'555 to modify the container of Box of Tampons so the container includes a second window to allow the user to determine the number of wrappers remain within the container.

6. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Box of Tampons at the Museum of Menstruation and Women's Health from

[HTTP://MUM.ORG/FREEDBOX.HTM](http://MUM.ORG/FREEDBOX.HTM) (hereinafter Box of Tampons) in view of Brisebois et al.

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(6,318,555, hereinafter Brisebois'095). Box of Tampons discloses the package with the word "Freedom" as above having all the limitations of the claims except for each of the wrappers of the absorbent articles being providing a signal indicating a pre-determined absorbent article performance characteristic and the signal of the pre-determined absorbent article performance characteristic being displayed as a distinctive design on the wrapper and the exterior surface of the container. Brisebois'095 teaches a package comprising a container (102) containing a plurality of absorbent articles (206) with each of the absorbent articles having a thickness and being individually wrapped in a wrapper and each wrapper having a signal indicating a pre-determined absorbent article performance characteristic (104) and the signal of the pre-determined absorbent article performance characteristic is displayed as a distinctive design on the wrapper and the exterior surface of the container (Figures 1-8). It would have been obvious to one having ordinary skill in the art in view of Brisebois'095 to modify the package of Box of Tampons so each wrapper includes a signal indicating a pre-determined absorbent article performance characteristic and the signal of the pre-determined absorbent article performance characteristic is displayed as a distinctive design on the wrapper and the exterior surface of the container to provide more convenience for the users.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb  
June 5, 2005



Luan K. Bui  
Primary Examiner